

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA**

ADAM BROOKS.  
Plaintiff,  
vs.  
CITY OF HENDERSON, *et al.*,  
Defendants.

Case No. 2:14-cv-00374-GMN-GWF

This matter is before the Court on the parties' proposed Stipulation and Order to Stay Discovery Pending Court Ruling on Motion to Dismiss (#21). For the reasons stated below, the Court denies the stipulation, without prejudice.

The filing of a dispositive motion does not automatically entitle the parties to a stay of discovery. Generally, the court may stay discovery pending a decision on the motion if, having reviewed the motion, it is convinced that the plaintiff is unable to state a claim upon which relief may be granted. The court may also stay discovery if the motion asserts a claim of qualified immunity which, if sustained, immunizes the defendant from suit. *See Tradebay, LLC v. eBay, Inc.*, 278 F.R.D. 597, 600-601 (D.Nev. 2011). The parties' stipulation does not set forth grounds that would support a stay under these provisions. The parties may resubmit their stipulation if they include therein valid grounds for staying discovery, in whole or in part, pending a decision on the motion. Accordingly,

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**IT IS HEREBY ORDERED** that the parties' proposed Stipulation and Order to Stay Discovery Pending Court Ruling on Motion to Dismiss (#21) is **denied**, without prejudice.

DATED this 7th day of October, 2014.

*George Foley Jr.*  
GEORGE FOLEY, JR.  
United States Magistrate Judge